

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JONATHAN ALLY,** : **CIVIL ACTION NO. 1:18-CV-2342**

:  
**Plaintiff** : **(Judge Conner)**

:  
**v.** :

**CHIPOTLE MEXICAN GRILL,** :

:  
**Defendant** :

**ORDER**

AND NOW, this 30th day of December, 2020, upon consideration of the report (Doc. 17) of Magistrate Judge Karoline Mehalchick, issued following a screening review of *pro se* plaintiff Jonathan Ally's complaint (Doc. 1) pursuant to 28 U.S.C. § 1915(e)(2), wherein Judge Mehalchick opines that Ally fails to state a claim for sex discrimination or sexual harassment, for racial discrimination, or for retaliation, and wherein Judge Mehalchick also opines that further leave to amend would be futile and inequitable given Ally's failure to take advantage of leave previously granted, (see Doc. 17 at 5-9), and it appearing that there are no objections to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford "reasoned consideration" to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to "satisfy itself that

there is no clear error on the face of the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court agreeing fully with Judge Mehalchick's analysis and recommendation, and concluding that there is no clear error on the face of the record, it is hereby

**ORDERED** that:

1. Magistrate Judge Mehalchick's report (Doc. 17) is ADOPTED.
2. Ally's complaint (Doc. 1) is DISMISSED without further leave to amend.
3. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).
4. The Clerk of Court shall close this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania